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DEPARTMENT OF HOMELAND SECURITY

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 AMERICAN CIVIL LIBERTIES UNION,

13 Plaintiff,

14 v.

15 UNITED STATES IMMIGRATION AND
16 CUSTOMS ENFORCEMENT and UNITED
17 STATES DEPARTMENT OF HOMELAND
SECURITY,

18 Defendants.

Case No. 4:23-cv-03450-DMR

**[PROPOSED] ORDER GRANTING
DEFENDANTS' CROSS-MOTION FOR
SUMMARY JUDGMENT AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT**

Hon. Donna M. Ryu

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20 **[PROPOSED] ORDER**

21 This matter came on regularly for hearing on April 25, 2024, with the Honorable Donna M. Ryu
22 presiding. This is a case brought under the Freedom of Information Act (“FOIA”) by Plaintiff American
23 Civil Liberties Union (“Plaintiff”) against Defendants United States Immigration and Customs
24 Enforcement (“ICE”) and United States Department of Homeland Security (“DHS” and, together with
25 ICE, collectively, “Defendants”). Pending before the Court are Plaintiff’s Motion for Summary
26 Judgment (ECF No. 34) and Defendant’s Cross-Motion for Summary Judgment and Opposition to
27 Plaintiff’s Motion for Summary Judgment. Having considered the motions, and any oppositions,
28 replies, and oral argument presented, the Court finds that the Offline Lexis Materials, to which ICE

[PROPOSED] ORDER

4:23-CV-3450 DMR

1 subscribes pursuant to a limited license from RELX, Inc., are not controlled by ICE and are not agency
2 records subject to FOIA. *SDC Development Corp. v. Mathews*, 542 F.2d 1116, 1120 (9th Cir. 1976);
3 *Baizer v. U.S. Dep't of Air Force*, 887 F. Supp. 225, 229 (N.D. Cal. 1995). In addition, the Offline
4 Lexis Materials are confidential commercial information owned by RELX, Inc., disclosure of which
5 would harm Defendants' interests. Thus, the Court finds that the Offline Lexis Materials were properly
6 withheld pursuant to FOIA Exemption 4. 5 U.S.C. § 552(b)(4). Accordingly, the Court hereby
7 ORDERS that Defendants' Cross-Motion for Summary Judgment is GRANTED and Plaintiff's Motion
8 for Summary Judgment is DENIED.

9 IT IS SO ORDERED.

10 DATED: _____

11 _____
12 HON. DONNA M. RYU
United States Chief Magistrate Judge
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